News



Bishop Mark Seitz (right) speaks at a press conference in El Paso alongside Ruben Garcia, director of the Annunciation House on Feb. 23, 2024. (Justin Hamel, The Texas Tribune)

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Texas Supreme Court justices on Monday heard oral arguments in Attorney General Ken Paxton's effort to shut down an El Paso migrant shelter network he has accused of violating state law by helping undocumented migrants.

The case began in February 2024 when the attorney general's office demanded documents from the shelter, Annunciation House, related to its work with immigrants. Annunciation House, which opened its first shelter at a Catholic church nearly 50 years ago, primarily serves people who have been processed and released into the U.S. by federal immigration officials. The shelter's director, Ruben Garcia, communicates regularly with Border Patrol and other federal officials to help find shelter for immigrants who have nowhere else to go while their cases are processed.

Here’s what you need to know:

The background

Officials from the attorney general's Consumer Protection Division arrived at the migrant shelter's door on Feb. 7 and demanded a trove of documents within a day. Annunciation House sued the attorney general's office to delay the release of the records, asking a judge to determine which documents shelter officials were legally allowed to release. Paxton's office filed a countersuit to shutter the shelter network.

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The attorney general's office claimed the shelter was violating state law by helping people suspected of being undocumented immigrants. The investigation was one of more than 12 instances identified last year by The Texas Tribune and ProPublica in which Paxton’s office used the state's consumer protection laws to investigate organizations whose work conflicts in some way with his political views or the views of his conservative base. At least four other organizations that work with immigrants have been targeted.

What has happened in courts so far

An El Paso judge in July denied Paxton's effort to shut down Annunciation House. State District Judge Francisco Dominguez ruled that the state's claim, "even if

accepted as true, does not establish a violation of those provisions." He also ruled that the state laws are preempted by federal law and therefore "unenforceable."

Paxton's office appealed the decision directly to the all-Republican Texas Supreme Court. The appeal drew five letters to the court from outside parties. Among them were two in support of Annunciation House filed by El Paso County and First Liberty Institute, a Texas nonprofit that champions religious freedom. America First Legal Foundation, an organization started by a former Trump administration official to advocate for conservative causes, filed a letter in support of Paxton's office.

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What the attorney general's office argued

Paxton's office, which has argued that the shelter network should be closed for violating state laws against human smuggling and operating a stash house, told the court Monday that Annunciation House should be shuttered to send a message to other similar organizations.

Ryan Baasch of the attorney general's office argued that Annunciation House "knowingly and purposely" shelters undocumented persons.

"If all the state is allowed to do is obtain an injunction that says, 'Don't do this unlawful act again,' there's absolutely no deterrent effect," Baasch said in response to a question from a justice about why an injunction would be insufficient.

When one of the justices asked whether the state wanted to deter organizations from exercising their religious activity, Baasch responded: "Not all, your honor. We want to deter organizations from knowingly and deliberately sheltering illegally present aliens."

What Annunciation House argued

Annunciation House's lawyers have characterized the state's arguments as "utter nonsense," arguing that Paxton's efforts violate the First Amendment, which guarantees the right to free speech, association and religion, and the Fourth Amendment, which offers protection against unreasonable search and seizure.

On Monday, Annunciation House lawyer Amy Warr argued that most of the people who the shelter helps have been processed and released by federal immigration authorities while their cases are pending. She said other federal authorities, like the FBI, sometimes bring undocumented people to the shelter who they need as witnesses in criminal cases.

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"Law enforcement knows we are there, knows that we house undocumented people," Warr said. "If they want to pick somebody up, they come with a warrant and they get the person — or they wait outside until the person comes out. They have full means to do this."

Annunciation House gave five minutes of its oral arguments to First Liberty Institute, a religious freedom organization. Elizabeth Kiernan argued on behalf of the group that Annunciation House's work is motivated by the group's Catholic faith.

"The Catholic church has claimed Annunciation House as one of its own," Kiernan said. "If the (Texas Religious Freedom and Restoration Act) protects anything, it protects this religious charity against outright closure."

What happens next

It is not clear when the Supreme Court will rule on the case. If the justices side with Paxton's office, the injunction prohibiting the state from issuing more subpoenas to Annunciation House could be canceled and the case would go back to the district court to hear the state's argument for shutting down the shelter network. If they side with Annunciation House, the shelter network will be allowed to continue operating as it has.

This story appears in the **Immigration and the Church** feature series. View the full series.